

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Kristi Caravella/954-797-2099

PREPARED BY: Kristi Caravella, Assistant Town Administrator

SUBJECT: Resolution

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AGREEMENT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2010 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT, AND PROVIDING FOR AN EFFECTIVE DATE.

EXECUTIVE SUMMARY: The "transit gas tax" agreement adopted in 2000 provides for Cities to receive 26% of the proceeds of one cent of gas tax. Broward County collects and distributes the fifth cent additional local option gas tax. Proceeds are distributed at a ratio of 48% for Broward County and 52% for county municipalities. Of the 52% distributed to municipalities 26% is based on population and 26% is distributed by grant agreement for community shuttle services through Broward County. The 2010 amendment includes adjustments to each City's percentage share based on updated population figures.

PREVIOUS ACTIONS: Resolutions 2006-149, 2007-135, 2008-091, 2009-096

CONCURRENCES: Requires execution by the County.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: \$

Account name and number: 001-0108-312.30-08 – Mass Transit Gas Tax

If no, amount needed: \$

What account name and number will funds be appropriated from:

Additional Comments: Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution, Exhibit A: Broward County/ Town of Davie Inter-local Agreement Amendment 2010

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2010 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 13, 2000, the Board of County Commissioners enacted Ordinance No. 2000-25, effective January 1, 2001, through December 31, 2031, pursuant to Section 336.025 (1)(b), Florida Statutes, extending the levy of the fifth-cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached 2010 amended Interlocal Agreement to receive a distribution of these funds; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The appropriate Town officials are hereby authorized to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2010.

MAYOR/COUNCILMEMB
ER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2010.

EXHIBIT A

2010 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

THE TOWN OF DAVIE

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM
THE BROWARD COUNTY FIFTH CENT ADDITIONAL
LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

This 2010 Amendment to Interlocal Agreement made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

The TOWN OF DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of the five (5) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 13, 2000, the Board of County Commissioners enacted Ordinance No. 2000-25, effective January 1, 2001, through December 31, 2031, pursuant to Section 336.025(1)(b), Florida Statutes, extending the levy of the fifth-cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to said Ordinance, the method for distribution of the proceeds is the execution of an Interlocal Agreement with one or more of the municipalities representing a majority of the population of the incorporated area within the County which establishes the distribution formulas for dividing the proceeds of the tax among the County and all eligible municipalities within the County; and

WHEREAS, paragraph 4 of the Interlocal Agreement, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to Section 336.025(1)(b), Florida Statutes, for transportation expenditures set forth in Section 336.025(7)(a), Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, is hereby amended to read as follows:

2.1 Forty-eight percent (48%) of said proceeds shall be distributed to the COUNTY. The remaining Fifty-two percent (52%) shall be distributed to the eligible municipalities in the following manner:

2.1.1 Twenty-six percent (26%) shall be distributed to the eligible municipalities based on population as follows:

Population of Individual CITY

Total incorporated area Population X 26.0000%

Recipient	FY 2011 Population	FY 2011 Percent Share of Proceeds
Coconut Creek	47,804	0.717626%
Cooper City	29,849	0.448088%
Coral Springs	127,198	1.909475%
Dania	28,391	0.426201%
Davie	91,056	1.366917%
Deerfield Beach	73,216	1.099106%
Fort Lauderdale	180,706	2.712728%
Hallandale	37,400	0.561443%
Hillsboro Beach	2,236	0.033566%
Hollywood	141,942	2.130810%
Lauderdale-by-the-Sea	5,920	0.088870%
Lauderdale Lakes	31,862	0.478307%
Lauderhill	64,000	0.960757%
Lazy Lake	39	0.000585%
Lighthouse Point	10,955	0.164455%
Margate	53,207	0.798735%
Miramar	112,552	1.689612%

North Lauderdale	41,310	0.620139%
Recipient	FY 2011 Population	FY 2011 Percent Share of Proceeds
Oakland Park	41,756	0.626834%
Parkland	23,647	0.354985%
Pembroke Park	6,112	0.091752%
Pembroke Pines	151,193	2.269684%
Plantation	84,725	1.271878%
Pompano Beach	99,031	1.486637%
Sea Ranch Lakes	730	0.010959%
Southwest Ranches	8,570	0.128651%
Sunrise	89,242	1.339686%
Tamarac	59,151	0.887965%
Weston	61,697	0.926185%
West Park	13,575	0.203786%
Wilton Manors	12,895	0.193578%
Total Incorporated	1,731,967	26.000000%

Unincorporated Area	12,955
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Total County	1,744,922
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The population figures set forth above are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economic and Business Research, Population Division, of the University of Florida. The population figures to be utilized in the formula described in this section, for the distribution of the Fifth Cent, shall be adjusted annually based on the current Florida Estimates of Population.

2.1.2 Twenty-six percent (26%) shall be distributed by COUNTY to the Municipalities by grant agreement for Community Shuttle Services.

2. This 2010 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this Interlocal Agreement prior to June 1, 2010.

3. In the event this 2010 Amendment to Interlocal Agreement or a portion of this 2010 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

4. All provisions of the Interlocal Agreement and any prior Amendment, not in conflict with this 2010 Amendment to Interlocal Agreement, shall remain in full force and effect.

5. This 2010 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2010 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY

COMMISSIONERS

County Administrator and Ex-Officio

By

Clerk of the Board of County
Commissioners of Broward County,
Florida

, Mayor

____ day of _____,
2010.

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County

Attorney

Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Al A. DiCalvo
Assistant County Attorney

2010 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD
COUNTY AND THE TOWN OF DAVIE PROVIDING FOR DIVISION AND
DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH
CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR
TRANSIT

MUNICIPALITY

WITNESSES:

Town of Davie

By

Mayor Judy Paul

2010. ____ day of _____,

ATTEST:

By

Municipal Clerk

Municipal Manager

2010.

____ day of _____,

(CORPORATE SEAL)

APPROVED AS TO FORM:

By

Municipal Attorney

AAD

4/13/2010

GASTAX5_2010.docTown of Davie

